

18 May 1979

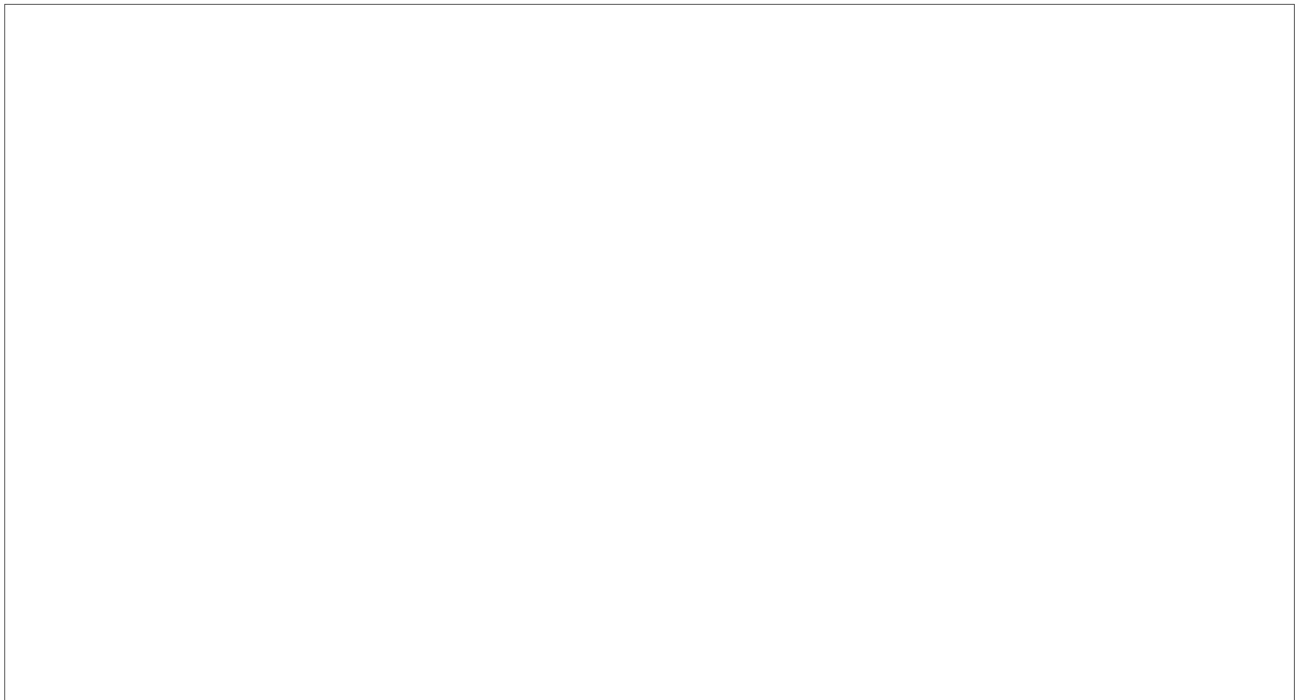
MEMORANDUM FOR THE RECORD

Staff Meeting Minutes of 18 May 1979

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The Director chaired the meeting; Mr. Carlucci was addressing a group from the National War College. []

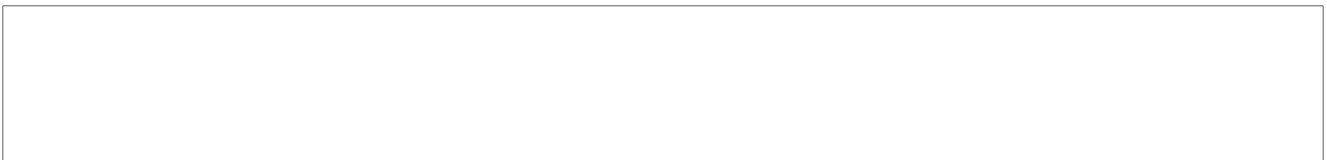
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Hetu called attention to Safire's New York Times column of 17 May (attached) and press reports by others on recent departures from the NSC Staff. He noted also that there was very quick press reporting (attached) re the Director's lunch yesterday with judges involved with the Foreign Intelligence Surveillance Court. The Director said it was a very useful event and he found attendees most supportive. []

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Hetu played a two-minute taping of a Morley Safer (CBS) commentary aired this morning. Safer's commentary was favorable regarding the difficult problems and restrictions placed on the intelligence community in conducting its business--particularly, in contrast to other Government departments and agencies. []

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Hitz reported that Miller and Roach of the SSCI were briefed yesterday on Soviet [redacted] re SALT and that Ralston and Levine were briefed on [redacted] from which we derive our level of confidence in SALT monitoring. The Director expressed concern that we were briefing on a topic not understood here, and Hitz said he will provide the Director with a memo. Dirks commented that Miller will be getting information also from the S&T Directorate regarding monitoring capabilities.

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Hitz reported on discussions with Miller re the draft charter legislation with particular reference to Rick Inderfurth's interest in the Hughes-Ryan Amendment. Inderfurth leans to recommending to SFRC Chairman Church that the Committee depend on the SSCI designees on the Senate Foreign Relations Committee to affirmatively advise the Committee of any covert action which may be of interest to the Committee. [redacted]

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May reported that Dan Silver will report to duty on 29 May as the new General Counsel. [redacted]

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May reported that GSA is now soliciting for 85,000 additional square feet [redacted] to be made available to the Agency in FY 1981. If GSA is successful, we will have to prepare for this with reprogramming of perhaps [redacted] needed to get new space ready and to conduct renovations, etc., elsewhere in the Agency as a result. [redacted]

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May asked for everyone's support in promoting better response to the Blood Donor Program. He said the Agency's contributions are declining. As an incentive, he suggested that blood donors be given formal recognition and that major contributing individuals be recognized with a presentation of pins or plaques according to level of contribution to be presented by the Director or Deputy Director at awards ceremonies. The Director endorsed these plans. [redacted]

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May reported that volunteer separations from the Agency during the first half of FY 1979, at GS-12 and above levels, [redacted] Of these only three expressed reasons of dissatisfaction. Most of the others were moving either to industry or other Government agencies; exit interviews reflected favorable comments on their Agency experience--"Would come back if things don't work out elsewhere." [redacted]

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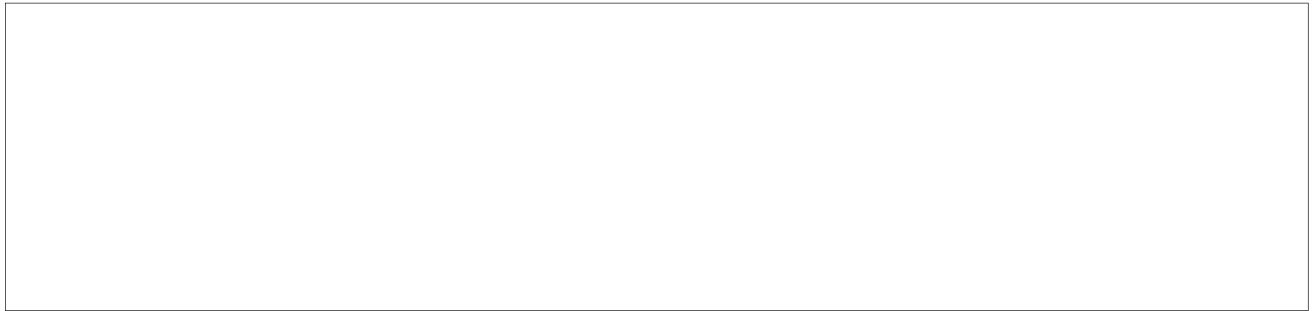
Dirks reported on SSCI Staff Chief Miller's interest in the Soviet laser weapons program and anticipates subsequent interest in the vulnerability of U.S. satellites to laser weaponry. He said that we need to be doing more in the area to reduce satellite vulnerability and highlighted certain techniques being reviewed. [redacted]

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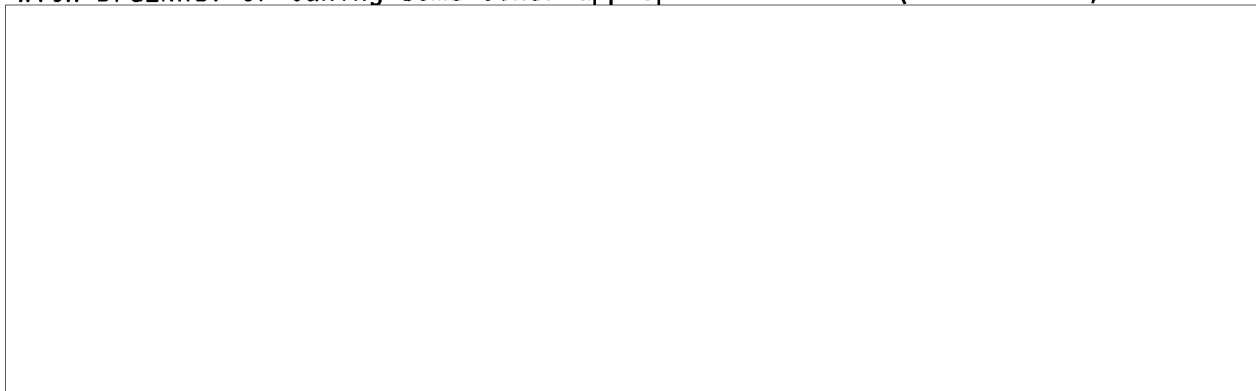
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The Director noted FBIS items received last evening reflecting Moscow radio Peace and Progress output in Arabic alleging Cairo colludes with CIA in undermining Islamic states and fabrication of reports aimed at casting doubt on Saudi leadership [redacted] He asked the DDO to examine Soviet propaganda with a view toward alerting the President prior to his meeting with Brezhnev or taking some other appropriate action. (Action: DDO)

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Attachments

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NEW YORK TIMES (17 May 1979)

ESSAY

The
Sinking
Ship

By William Safire

WASHINGTON, May 16 — "When the water reaches the upper level," F.D.R.'s Navy Secretary, Claude Swanson, used to say, "follow the rats."

At the National Security Council — that center of White House decision-making on foreign affairs and defense policy, where Henry Kissinger once ruled and Zbigniew Brzezinski now reigns — staff members have taken that jocular advice to heart. Time was, an N.S.C. job was the most coveted in Washington; not anymore.

Samuel Hoskinson, a C.I.A. veteran responsible for evaluating the intelligence on which policy is based, jolted "Zbig" yesterday by announcing he was leaving to join John Connally's campaign for President.

William Quandt, the Arabist academic whose pro-Palestinian tilt led the Carter men up their "comprehensive" blind alley for so long in the Mideast, quit suddenly this week; he will sojourn in the Brookings Institution and, I presume, will write a book complaining about how hard it is for Presidents to pressure Israel as elections draw near.

These defections come on top of the other recent resignations: Jessica Tuchman Mathews, the *honcho* on "global issues" — those promises Mr. Carter now finds awkward about human rights, nuclear nonproliferation and arms transfers — quit last month; Rick Linderfurth, Zbig's line to Senator McGovern, quit to go to work for the Senate Foreign Relations Committee; Michael Oksenberg, architect of the Taiwan sellout, has quit several times and may one day leave.

Trying to cope, Zbig has switched David Hunter, his line to Senator Kennedy and until now in charge of Europe, to cover Quandt's Mideast assignments. The European slot is now unfilled. Mr. Brzezinski is also searching for a C.I.A. man he can trust, and for somebody not too pushy to appear to fill the human rights job.

In all, it presents a picture of a staff in disarray. The defections and low morale are best explained by the judgment of the world's most prestigious think tank, London's Institute for Strategic Studies, which has just assailed Carter foreign policy because it "often lacks centralized means of translating differences of opinion into coherent policy."

That is what the N.S.C. is supposed to do. The incoherence, and the staff dispiritedness that flows from it, comes from the President's inability to give a shape to his foreign policy. Within his own staff, he is trying to please left and right, softs and hards; the result is interminable internal squabbling.

A case in point is the proposed charter for our intelligence systems. How much civil liberty should be jeopardized for national security? That's a difficult dilemma that demands Administration soul-searching, an N.S.C. decision paper, a Presidential decision and a united-front approach to Congress.

But consider what has happened. Mr. Brzezinski's chief deputy is David Aaron, whose political clout flows directly from his former boss, Vice President Walter Mondale. As a senator, Mr. Mondale's central concern was the curtailment of America's intelligence agencies.

On an overseas trip last month, Mr. Mondale was informed that Attorney General Griffin Bell was no longer interested in legislation governing F.B.I. infiltration of subversive organizations. He cabled David Aaron to straighten out the A.G., and — at 9:15 A.M. on April 17, in a meeting of the N.S.C. Special Coordinating Committee in the Situation Room of the White House — Aaron, in a brusque and abrasive manner, did just that.

He stepped into a buzz saw. Messrs. Bell and Mondale have been scrapping for a year on the proposed C.I.A.-F.B.I. restrictions, with Aaron subtly supporting Mondale to the dismay of N.S.C. staffers. After spelling out just what limited charter legislation he would buy, the Attorney General — "bristling," as several of those present described him — said pointedly: "I work for the President, not for the Vice President."

Mr. Aaron reddened, stated "so do I," then disengaged. He later rewrote a "decision memorandum" to the President about counter-espionage restrictions, slanting it Mondale's way, but President Carter put his check mark next to the option most objec-

tionable to civil libertarians like me — "without warrant, AG approval" — and Mr. Bell had won.

Although Aaron insists, "I have fully supported the President's position after his decision," the fact is that the Vice President and his "unofficial spokesman" — F.A.O. Schwarz, the New York lawyer who worked with Mr. Mondale on the C.I.A. committee — have been fighting against the Carter decision in the Senate.

So the President's "decision," undercut from within, becomes no decision at all. Like the order to the carrier *Constellation*, during the Iranian crisis, to steam in silly circles in the South China Sea, this latest episode is another example of dithering at the top. Constant flip-flopping disheartens a staff: its members get the feeling that the water has reached the upper level, and they cannot be blamed for the urge to abandon ship.

WASHINGTON POST (18 May 1979)

Two U.S. Judges To Be Named to Wiretap Courts

By Charles R. Babcock

Washington Post Staff Writer

Chief Justice Warren Burger is expected to name two Washington jurists today as the chief judges of the new national court being set up to approve warrants for national security wiretaps in the United States.

U.S. District Judge George L. Hart Jr., 73, will be head of the Foreign Intelligence Surveillance Court set up under the wiretap act Congress passed last year, according to sources. He will be one of a panel of seven district court judges from around the country who will take turns ruling on electronic surveillance requests by the FBI and the National Security Agency.

George E. MacKinnon, a member of the U.S. Circuit Court of Appeals here, is expected to be appointed head of the three-member panel that will review applications denied by the special lower court.

Hart, a senior judge, and MacKinnon are considered to be pro-government judges who have ruled favorably for the intelligence community in the past.

The names of the other members of the special court could not be learned yesterday, although several members of the court had lunch with Attorney General Griffin B. Bell in anticipation of today's expected announcement.

Jerry Berman, legislative counsel for the American Civil Liberties Union in Washington, said yesterday, "You can't say conservative judges

Two U.S. Judges to Be Named To New Wiretap Warrants Courts

APPOINT. From A1

won't protect civil liberties, but their appointment may raise questions about this court being a rubber stamp for the intelligence community.

Berman also said the final makeup of the new court could affect the current debate on a charter for the intelligence agencies. This is because the Carter administration has proposed that spying on Americans overseas be permitted. Warrants for such activity probably would be sought from the new special court.

Other sources said Burger's remaining appointments are expected to make the court more balanced over the philosophical spectrum. They also noted that neither Hart nor MacKinnon is expected to have an undue amount of influence because the district judges will rotate, and few appeals are expected.

However, Hart is expected to be the judge ruling on emergency warrant requests because his court is in the area.

The wiretap law grew out of post-Watergate revelations about abuses by the intelligence agencies in spying on innocent Americans. The new law requires that there be "probable cause" of criminal conduct before American citizens are targeted for surveillance by U.S. counter intelli-

gence specialists monitoring the activities of suspected foreign agents.

The law was backed by civil liberties groups and the intelligence community and is considered precedent-setting because it's the first time Congress has put statutory limits on the president's long-asserted powers to protect national security.

Foreign government offices, such as embassies are common targets of telephone or microphone surveillance by the FBI. Individuals are targeted less frequently.

The FBI conducted about 75 national security surveillances of all types last year. NSA intercepts airborne communications such as embassy cable traffic to foreign capitals.

During the first three months of the new court, all urgent warrantless surveillances will have to be approved by one of the judges. The warrants usually are for 90 days — and renewable on individuals and one year on embassies.

Several members of the new court received briefings yesterday about the special security measures used to protect the warrant process from foreign spies.

Because federal courts are not considered sufficiently secure, the new court will hold hearings in a specially equipped room. This is likely to be a sound-proof vault-like room on the sixth floor of the Justice Department.